

UNITED STATES OF AMERICA,

*

Plaintiff,

*

*

v.

* CIVIL ACTION NO. MJG-03 CV 194

*

\$1,032,477.40 U.S. CURRENCY,
IN THIRTEEN BANK ACCOUNTS,

*

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*

Defendants,

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* * * * *

**JOINT MOTION TO DISMISS AND TO TRANSFER THE SUBJECT CURRENCY
TO THE FEDERAL TRADE COMMISSION**

Together, The United States of America, Paul Schroeder, and Belinda Schroeder, by and through their respective undersigned counsel, submit this Joint Motion requesting that the Court dismiss the matter captioned above and order that the U.S. Currency at issue be transferred to the Federal Trade Commission (“FTC”). In support of this Joint Motion, the parties state as follows:

1. The subject currency -- \$1,032,477.40 in thirteen bank accounts, as named in the initial complaint – is currently in the possession of the U.S. Marshal’s Service. These funds were seized pursuant to court order from bank accounts in the names of Paul Schroeder, Belinda Schroeder, or in the names of entities controlled by Paul Schroeder and/or Belinda Schroeder.

2. Now pending in the United States District Court for the Northern District of Illinois is the civil action, *FTC v. 1492828 Ontario Inc., et al.*, Civ. No. 02C7456 (“the FTC case”). The FTC, Paul Schroeder, and Belinda Schroeder resolved that case by settlement, which was approved by the Court on July 29, 2004. Under the provisions of that settlement, attached as Exhibit A, the parties agreed that the Schroeders would relinquish any claim to these funds and consent to receipt of these funds by the Federal Trade Commission. A further settlement agreement among, and executed by, the United

Schroeder, attached as Exhibit B, provided for dismissal of this action and the transfer of the subject funds to the Federal Trade Commission.

3. Accordingly, the parties request that the Court direct the U.S. Marshal's Service to release the subject funds to the FTC as per the wiring instructions of the FTC and dismiss the action as to all parties.

WHEREFORE, the parties request that the Court grant this Joint Motion, enter the attached proposed Order, dismiss the action captioned above with prejudice as to all parties, and direct the U.S. Marshal's Service to transfer the subject funds to the Federal Trade Commission.

Respectfully submitted,

Thomas M. DiBiagio

By: _____/s/
Joyce McDonald
Assistant United States Attorney
United States Attorney's Office
for the District of Maryland
101 West Lombard Street
Baltimore, MD 21201
410-209-4800

_____/s/_____
Robert Biddle
Nathans & Biddle
120 East Baltimore Street
Suite 1800
Baltimore, MD 21202,
Attorneys for Belinda Schroeder

_____/s/
Susan Q. Amiot
Law Offices Of Andrew C. White, LLC
201 North Charles Street --Suite 2600
Baltimore, MD 21201
(410) 576-2200,
Attorneys for Paul Schroeder

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* * * * *

ORDER

Before the Court is the Joint Motion to Dismiss and to Transfer the Subject
Currency to the Federal Trade Commission. Having reviewed the motion and for good
cause shown therein, the Court determines that it will GRANT the motion. Accordingly, it
is this _____ day of _____, 2004 ORDERED that:

1. This civil forfeiture action is DISMISSED WITH PREJUDICE as to all parties;
2. The U.S. Marshal's Service is directed to transfer the subject monies,

\$1,032,477.40 in thirteen bank accounts as named in the initial complaint, to the Federal
Trade Commission, as per the wiring instructions of the FTC; and

3. The Clerk of the Court shall CLOSE this case.

The Honorable Marvin J. Garbis
U.S. District Court Judge